IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

SECOND APPEAL NO.1209 OF 2004
Along with
Civil Application No.1621 OF 2004

Laxman Mahadu Savant, .. Appellant
Vs
Shri Kisan Mahadu Savant and ors .. Respondents.

Mr Pankaj Das, i/b Mr R.S.Datar, for the appellant.
Mr Sandesh Patil, for respondent no.2.

CORAM : D.B.BHOSALE,J.
DATE : 29.11.2006

PC:

1. Heard the learned counsel for the parties.

2. The concurrent findings recorded by the courts below are under challenge in the instant second appeal. Mr.Das, learned counsel for the appellant, urged only two contentions: firstly, that the expenditure incurred by defendant no.1 on the development of the lands has not been taken into consideration and, secondly, the lands were sold for legal necessity. I perused the judgments of both the courts below. The appeal court in paragraph 16 of its judgment has considered the expenditure incurred by the appellant for development of the lands and has rightly held that there is no documentary evidence in support of the claim of the appellant. Similarly, in paragraphs 17 and 18 of the judgment, the court below has taken into consideration

the sale deeds executed during the pendency of the suit and has rightly observed that the sale transactions were not executed for legal necessity, as claimed by the appellant. In my opinion, no substantial question of law is either raised in the memo of appeal or argued by the learned counsel for the appellant. Considering the concurrent findings of fact recorded by the courts below and as I find that there is sufficient material on record to sustain those findings and considering the extremely limited jurisdiction of this Court under section 100 of C.P.C to disturb the findings of fact, this appeal fails and is dismissed as such. As a consequence thereof, the civil application is also dismissed.

(D.B.BHOSALE,J.)